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Attorney for WELLS FARGO BANK, N.A.

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

IN RE:	§ CASE NO. 19-11038-TMD-7
	§
VICKIE OAKS HUNGER,	§
Debtor	§ CHAPTER 7
	§
WELLS FARGO BANK, N.A.,	§
Movant	§ HEARING DATE: _____
	§
v.	§ TIME: _____
	§
VICKIE OAKS HUNGER; RANDOLPH	§
N. OSHEROW, Trustee	§
Respondents	§ JUDGE TONY M. DAVIS

**MOTION OF WELLS FARGO BANK, N.A.  
FOR RELIEF FROM STAY OF ACTION AGAINST DEBTOR(S) REGARDING  
PROPERTY LOCATED AT 1005 WOODDUCK TRL, LEANDER, TX 78641  
PURSUANT TO 11 U.S.C. § 362(a) AND WAIVER OF THIRTY DAY  
REQUIREMENT PURSUANT TO  
§ 362(e)**

**NOTICE**

**This pleading requests relief that may be adverse to your interests.**

**If no timely response is filed within fourteen (14) days from the date of service, the relief requested herein may be granted without a hearing being held.**

**A timely filed response is necessary for a hearing to be held.**

## **WAIVER OF THIRTY DAY REQUIREMENT**

**Movant desires to waive the requirement of a Hearing within thirty (30) days under §362(e) and requests a Hearing at the next available date.**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Movant, WELLS FARGO BANK, N.A., by and through the undersigned attorney, and moves the Court as follows:

1. This Motion is brought pursuant to 11 U.S.C. §362(d) in accordance with Rule 4001 of the Bankruptcy Rules.
2. On or about August 06, 2019, Debtor (hereinafter "Debtor") filed a petition for an order of relief under Chapter 7 of the Bankruptcy Code, 11 U.S.C.
3. At the time of filing the Chapter 7 petition, Movant held a Note executed on April 28, 2017, by VICKIE OAKS HUNGER in the original amount of TWO HUNDRED TWELVE THOUSAND FOUR HUNDRED DOLLARS AND ZERO CENTS (\$212,400.00) with interest thereon at the rate of 4.375% per annum. A true and correct copy of the Note is attached hereto as Exhibit "A".
4. The indebtedness is secured by a Deed of Trust dated April 28, 2017 and executed by VICKIE OAKS HUNGER on real estate with all improvements known as:  
  
LOT 2, BLOCK F, OF MAGNOLIA CREEK, SECTION TWO AMENDED, AN ADDITION IN WILLIAMSON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN DOCUMENT NO. 2015091039, PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS.  
  
COMMONLY KNOWN AS **1005 WOODDUCK TRL, LEANDER, TX 78641.**  
  
A true and correct copy of the Deed of Trust is attached hereto as Exhibit "B".
5. Prior to the filing of the petition, Debtor was indebted to Movant according to the terms and conditions of the Note and Deed of Trust. Debtor has failed to maintain current

the payments due under the note and as of August 20, 2019 is presently in arrears for 11 payments through and including the August 01, 2019 payment.

6. The outstanding indebtedness to Movant is \$207,538.84 principal plus accrued interest, late charges, attorneys fees and costs as provided in the Note and Deed of Trust.

7. In accordance with the terms of the Note and Deed of Trust, Movant would allege that it is entitled to reasonable post-petition attorneys fees, including, but not limited to, fees, if any, for the preparation and filing of a proof of claim and fees and costs for the filing of this Motion for Relief from Stay.

8. Debtor has failed to provide adequate protection to Movant which constitutes cause to terminate the automatic stay of 11 U.S.C. §362(a).

9. By reason of the foregoing, Movant requests the Court to terminate the stay so Movant may proceed to foreclose in accordance with its Note and Deed of Trust.

10. Movant reserves the right to assert an 11 U.S.C. § 362(d)(2) Cause of Action, if appropriate, at the hearing on Movant's Motion for Relief.

11. The provision of Rule 4001 (a) (3) should be waived and Movant be permitted to immediately enforce and implement any order granting relief from the automatic stay.

WHEREFORE, Movant prays that this Court enter an order, after notice and hearing, terminating the automatic stay as to Movant; alternatively, Movant be made whole by having all payments brought current. Movant further prays that the Court waive the provision of Rule 4001 (a) (3) and that WELLS FARGO BANK, N.A. be permitted to immediately enforce and implement any order granting relief from the automatic stay; that Movant be awarded its reasonable post-petition attorneys fees and expenses for this Motion; and, that Movant be granted such other and further relief as is just.

Respectfully submitted,

BARRETT DAFFIN FRAPPIER  
TURNER & ENGEL, LLP

BY: /s/ PAUL KIM

PAUL KIM

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ATTORNEY FOR MOVANT

**CERTIFICATE OF SERVICE**

I hereby certify that on August 27, 2019, a true and correct copy of the foregoing Motion for Relief from Stay was served via electronic means as listed on the Court's ECF noticing system or by regular first class mail to the parties on the attached list.

Respectfully submitted,

BARRETT DAFFIN FRAPPIER  
TURNER & ENGEL, LLP

/s/ PAUL KIM

08/27/2019

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ATTORNEY FOR MOVANT

**DEBTOR:**

VICKIE OAKS HUNGER  
1005 WOODDUCK TRAIL  
LEANDER, TX 78641

VICKIE OAKS HUNGER  
1005 WOODDUCK TRL  
LEANDER, TX 78641

**TRUSTEE:**

RANDOLPH N. OSHEROW  
342 W. WOODLAWN  
SUITE 100  
SAN ANTONIO, TX 78212

**US TRUSTEE:**

903 SAN JACINTO, ROOM 230  
AUSTIN, TX 78701

**DEBTOR'S ATTORNEY:**

FREDERICK E. WALKER  
609 CASTLE RIDGE ROAD,  
SUITE 220  
AUSTIN, TX 78746

**PARTIES IN INTEREST:**

None

**PARTIES REQUESTING NOTICE:**

None